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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,174 09/30/97 BRUSKY

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024202 WM01/0705
SHARP COMFORT & MERRETT, PC
13355 NOEL ROAD
SUITE 1340
DALLAS TX 75240

EXAMINER

BROWN, R

ART UNIT

PAPER NUMBER

20

2611

DATE MAILED:

07/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/941,174

Applicant(s)
Brusky, et al

Examiner
Reuben M. Brown

Art Unit
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 26, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-13, 17, and 18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13, 17, and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/16/2001 has been entered. A new action on the merits follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-3 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gateway 2000 (Press Release, 08/21/1996) , in view of Yoshida, (U.S. Pat. # 5,191,423 and Youman, (U.S. Pat # 5,629,733).

Considering claim 1, the claimed computer system emulating a TV system comprising a computer converged with a TV and a monitor connected to the computer system is met by the PCTV of Gateway 2000, (Page 1 & Page 2). The press release discloses a PC-TV convergence device. The claimed alphanumeric keyboard for providing alphanumeric information to the computer system is met by the description in the press release on Page 3, which discloses that, "computer and television functions are controlled through a touchpad-equipped wireless keyboard and a wireless Field Mouse remote control/mouse". Regarding the additional claimed feature of the alphanumeric keyboard containing a key with an associated channel macro for selecting a predetermined station, the Gateway 2000 press release does not explicitly disclose such a feature. Nevertheless, TV tuning systems were well known in the art at the time the invention was made which enabled a user to select a predetermined station by inputting its corresponding station name via alphanumeric keys on a user controlled station selection device.

Yoshida provides such a user controlled station selection device 40, Fig. 2. In particular, Yoshida teaches that the user selects a station by pressing the corresponding alphanumeric keys on the channel selection device 40, (col. 1, lines 55-67). Yoshida furthermore provides that the

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user merely needs to input the first letter of the desired station name, and subsequently the list of all stations with the corresponding first letter is displayed on the TV screen for the user to select from, (col. 1, lines 60-67; col. 4, lines 10-22). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the Gateway 2000 (Press Release, 08/21/1996) with the known feature of a user inputting an alphanumeric representation of a station in order to select the instant station as shown by Yoshida, at least for the known desirable benefit of avoiding the user memorizing the entire name of a desired TV station, as taught by Yoshida.

In Yoshida, the system provides a list of stations based on the initial letter input by the user into the alphanumeric keyboard, (Abstract; col. 1, lines 55-8 thru col. 2, lines 1-5). However, Yoshida does not teach the amended claimed feature of, "depicting on the monitor, successive lists of network names, each list containing network names including an initial sequence of characters matching the sequence of characters as they are being entered by the user, until the user enters a select input to select a particular network". Nevertheless, Youman provides a teaching wherein a user may use an Up/Down arrow and the OK key in order to sequentially enter multiple letters of the Title of a desired program, (see Fig. 38D; col. 31, lines 51-67 thru col. 32, lines 1-15). Thus in Youman, each successive entry of an alphabetic character further defines the lists of programs presented to the user, see Fig. 38E & Fig. 38F, and therefore in combination with Yoshida reads on applicants newly amended feature. It would have

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been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Gateway 2000 (Press Release, 08/21/1996) & Yoshida, at least for the desirable improvement of presenting the user with a more specific list of channels/programs, and giving the user more control of the subset of programs as taught by Youman, col. 32, lines 16-24.

Operating Youman within the environment of Yoshida, which is specifically related to inputting channel names, whereas Youman generally discloses the alphabetic entry of titles of programs, provides a combination which reads on the claimed subject matter. The motivation to modify the operation of Yoshida, with the technology of Youman at least rests in the desirable improvement, as taught by Youman, of presenting the user with the most relevant list of choices. In other words, if there are numerous stations that begin with the same alphabetic letter, according to Youman, it would have been desirable to give the user the option to enter a second or third alphabetic character in order to present the user with a more narrow choice of selections, which helps the user in the channel selection process.

Considering claim 2, the channel selection algorithm disclosed in Yoshida comprises alphanumeric characters which represent networks.

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Considering claim 3, with respect to the Gateway 2000 (Press Release, 08/21/1996) TV tuning function, it would have been obvious to enable tuning a television channel while the PCTV is in the TV mode.

Considering claim 5, Gateway 2000 (Press Release, 08/21/1996) discloses a wireless keyboard. The wireless keyboard disclosed necessarily includes individual keys to each alphanumeric character, since the term keyboard is understood to correspond with such devices as a typewriter or word processor keyboard.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gateway 2000 (Press Release, 08/21/1996), Yoshida & Youman as applied to claim 1 above, and further in view of Schindler, (U.S. Pat. # 5,675,390).

Considering claim 4, Gateway 2000 (Press Release, 08/21/1996) necessarily tunes TV stations while in the TV mode. However Schindler, which is also directed to a PCTV entertainment system, discloses that TV channels may tuned while in a computer mode, see (Fig. 13, col. 17, lines 57-67 thru co. 18, lines 1-56). The instant figure shows a user interface which

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enables the user to view TV programs from a window on a desktop, wherein the user is enabled to choose various computer mode applications, such as Word Processing on the instant desktop. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gateway 2000 (Press Release, 08/21/1996) with the feature of operating the TV circuitry while in PC mode, at least for the desirable benefit of a more user flexible system, as taught by Schindler, "opening up the power of a PC to control the video streams and advanced user functions".

5. Claims 8-13 & 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gateway 2000 (Press Release, 08/21/1996), Yoshida & Youman as applied to claim 1 above, and further in view of Schindler & Beery, (U.S. Pat. # 5,963,269).

Considering claims 8 & 13, the claimed features of PCTV computer system for providing alphanumeric characters for selecting network stations which corresponds with subject matter mentioned above in the rejection of claim 1, are likewise rejected.

Regarding the further claimed feature of placing the PCTV in one of a TV or computer mode with an active video window, Gateway 2000 (Press Release, 08/21/1996) necessarily tunes TV stations while in the TV mode. However Schindler, which is also directed to a PCTV entertainment system, discloses that TV channels may tuned while in a computer mode, see (Fig.

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13, col. 17, lines 57-67 thru co. 18, lines 1-56). The instant figure shows a user interface which enables the user to view TV programs from a window on a desktop, wherein the user is enabled to choose various computer mode applications, such as Word Processing on the instant desktop. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Gateway 2000 (Press Release, 08/21/1996) with the feature of operating the TV circuitry while in PC mode, at least for the desirable benefit of a more user flexible system, as taught by Schindler, "opening up the power of a PC to control the video streams and advanced user functions".

Regarding the additional feature of storing predetermined broadcast network station names, Gateway 2000 (Press Release, 08/21/1996), Yoshida & Youman do not disclose such a feature. However, Beery teaches that a TV system manufacturer may provide a display legend (col. 19, lines 52-67) corresponding to stored labels of broadcast network TV names, stored in ROM (col. 2, lines 29-60). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination of Gateway 2000 (Press Release, 08/21/1996), Yoshida & Youman, with the desirable feature of storing a legend of broadcast network station names, at least for the known benefit of assisting the operator in channel selection, as taught by Beery.

Considering claim 9, the EPG of Youman matches network stations with TV channels.

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Regarding claims 10 & 12, highlighting and channel banners of a user selectable item were notoriously well known in the art of TV graphical user interface technology, at the time the invention was made.

Regarding claim 11, Schindler necessarily provides that the user interacts with an active window on a viewing monitor.

Regarding claims 17-18, the combination of Gateway 2000 (Press Release, 08/21/1996), Yoshida & Youman provides for user selection of a displayed station name effected by actuation of a key on a keyboard, which is a pointing device. The Gateway 2000 (Press Release, 08/21/1996), page 3 also discloses a wireless mouse device.

Response to Arguments

6. Applicant's arguments with respect to all of the claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's claims.

A) Schein Discloses a PCTV device which tunes to TV channels while in TV mode see Fig. 16A.

B) York Teaches remote wireless keyboards, for use with a PC or TV, col. 2, lines 26-55; col. 3, lines 28-31; col. 8, lines 29-35. York teaches using a remote wireless keyboard to interact with a PC 1, thereby controlling a TV set 11, which itself remote from the instant PC 1. Thus the user can tune a TV set 11, via a PC 1, by utilizing a wireless keyboard 13.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600